

II. Claim Rejections Under 35 U.S.C. §103

Claims 1, 3, 4, 6-9, 11, 12 and 14-17 are rejected under 35 U.S.C. §103(a) as unpatentable over Applicant's alleged admission of prior art (AAPA) and U.S. Patent 6,169,889 to Servilio et al. (Servilio). The rejection is respectfully traversed.

In rejecting claims under 35 U.S.C. §103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. In doing so, the Examiner must provide the factual determinations as set forth in Graham v. John Deere Co., 383 U.S. 117, 148 USPQ, 459, 467 (1966). The criteria set forth in Graham include: 1) some suggestion or motivation in either the reference or in the knowledge generally available to one of ordinary skill in the art to modify the references or combine the teachings; 2) a reasonable expectation of success; and 3) the combination must teach or suggest all of the claim features. These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness.

The Office Action fails to give proper consideration to the factual inquiries set forth in Graham in formulating the rejection of claims 1, 3, 4, 6-9, 11, 12 and 14-17. For example, in rejecting the claims, the Office Action alleges that AAPA "teaches a data transfer device that transfers data, via a plurality of signal lines, comprising a data transfer timing signal output device that outputs a timing signal for the data transfer for each of the plurality of signal lines." The Office Action admits that AAPA fails to teach "a frequency of the timing signal can be randomly changed." To overcome the admitted deficiency, the Office Action combines Servilio and only alleges that Servilio "teaches a data transfer system in which a frequency of the timing signal is changed randomly for each of the plurality of signal lines without becoming a specific cycle, so as to delimit an energy density in the plurality of signal lines". Thus, the Office Action provides an incomplete statement of the claim language in the features recited in the rejected claims, and accordingly fails to show that each and every

feature recited in the rejected claims would have been obvious in light of the combination of references. Therefore, the Office Action fails to provide a *prima facie* case of obviousness in that the combination of references does not teach or suggest all of the claim features, as required by Graham.

Additionally, there is no suggestion or motivation in either the references or in the knowledge generally available to one of ordinary skill in the art to modify the references or combine the teachings. For example, the problem being addressed in the application is problems produced by radiant noises emitted from a flat harness connected to a print head, and the cross-talk produced between the signals that may occur (page 1, paragraph [0004] of the specification). In contrast, Servilio pertains to reducing radio frequency interference emissions (RFI) such as those found in radio communication devices like portable messaging units (see the Abstract of Servilio and col. 1, lines 20-59). As Servilio and the application are addressing different problems relating to disparate technologies, there is no motivation or suggestion to make the combination as alleged in the Office Action. Thus, the Office Action fails to provide a *prima facie* case of obviousness in that there is no suggestion or motivation to combine the references, as required by Graham.

Even were such a combination made, there would be no reasonable expectation of success without undue experimentation. For example, as Servilio relates to reducing radio frequency interference emissions in radio communication devices, and the subject matter of the pending claims pertains to changing a frequency of a timing signal randomly for each of a plurality of signal lines ... so as to delimit an energy density in the plurality of signal lines, there is no reasonable expectation of success.

Finally, even were such a combination made, the combination of references fails to disclose each and every feature recited in the rejected claims. For example, the combination of references fails to disclose or suggest a data transfer timing signal output device that

outputs a random timing signal for the data transfer, by changing a frequency of the timing signal randomly for each of the plurality of signal lines without becoming a specific cycle, so as to delimit an energy density of the plurality of signal lines, as recited in rejected claim 1, or the additional features recited in the other rejected claims. As Applicant's admitted prior art merely relates to known data transfer devices that include the problem being addressed by the application, such a data transfer device clearly does not disclose or suggest such a feature. Furthermore, as Servilio provides a technique to provide clock and drive signals that have pulse characteristics that are randomized when a radio receiver is operated, and do not randomize when the radio receiver is not operating, Servilio also fails to disclose or suggest such a feature (col. 17, lines 14-18 of Servilio). Specifically, the technique of Servilio minimizes interference problems that typically result in receiver desensitization in a radio communication device having the radio receiver. The technique can be employed in a hand-held personal assistant device that could be operated by the user near a broadcast receiver or pager to avoid interference with those devices. Thus, the subject matter recited in depending claims is not disclosed or even contemplated in Servilio. For this reason, the Office Action again fails to provide a *prima facie* case of obviousness.

For these reasons, withdrawal of the rejection of claims 1, 3, 4, 6-9, 11, 12 and 14-17 is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

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